

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LARRY HOLMBERG,

Civ. No. 11-538 (JRT/LIB)

Plaintiff,

v.

REPORT & RECOMMENDATION

ADIRONDACK OPTICS, INC.,

Defendant.

Plaintiff filed the present case against the Defendant on March 2, 2011. [(Docket No. 1). On April 6, 2011, Terry Gordon, who represents that he is the President of Defendant Adirondack Optics, Inc, filed an Answer which was purportedly filed on behalf of Adirondack Optics. (See Docket No. 2). On April 19, 2011, the Court issued an order advising Mr. Gordon that a corporation cannot proceed pro se in federal court. (Docket No. 5). The Court further noted in its order that the Answer filed by Mr. Gordon had no legal effect. Id.

As such, the Court directed the Defendant

to retain licensed counsel, who must file a notice of appearance with the Clerk of Court **by no later than May 19, 2011**. If Adirondack Optics, Inc. fails to retain licensed counsel within this timeframe, the Court will recommend that Adirondack Optics, Inc.'s Answer be stricken from the record, and upon the motion of the Plaintiff, the Court may further recommend that a Default Judgment be entered against Adirondack Optics, Inc.

Id. As of today's date, no attorney has made an appearance on behalf of the Defendant. Additionally, the Defendant has not otherwise responded to the Court's April 19 order. As such, the Answer filed by the Defendant has no legal effect and the Defendant is in default.

Based upon the foregoing, and all of the files, records, and proceedings herein, IT IS
HEREBY RECOMMENDED that:

That the Clerk of Court strike the Answer of the Defendant Adirondack Optics [Docket No. 2].

DATED: May 26, 2011

s/Leo I. Brisbois
LEO I. BRISBOIS
United States Magistrate Judge

NOTICE

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing with the Clerk of Court, and serving all parties **by June 9, 2011**, a writing that specifically identifies the portions of the Report to which objections are made and the bases for each objection. A party may respond to the objections within fourteen days of service thereof. Written submissions by any party shall comply with the applicable word limitations provided for in the Local Rules. Failure to comply with this procedure may operate as a forfeiture of the objecting party's right to seek review in the Court of Appeals. This Report and Recommendation does not constitute an order or judgment from the District Court, and it is therefore not directly appealable to the Court of Appeals.